

DENTAL BOARD[650]

Notice of Intended Action

Proposing rule making related to licensure fees and requirements and providing an opportunity for public comment

The Dental Board hereby proposes to amend Chapter 1, “Administration,” Chapter 14, “Renewal and Reinstatement,” Chapter 15, “Fees,” and Chapter 25, “Continuing Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 147.10, 147.11 and 147.80.

Purpose and Summary

The proposed amendments reduce the requirements and fees necessary to reinstate a lapsed or inactive license, registration or qualification. The proposed amendments are intended to simplify the options related to renewal and streamline the process for reinstatement of a lapsed license, registration or qualification.

Fiscal Impact

This rule making will have minimal fiscal impact to the State of Iowa. Currently, the Board receives approximately \$10,000 in revenue from past due reinstatement fees per fiscal year. This amount would be reduced since the maximum past due renewal fees will be reduced to a single renewal fee as opposed to the currently allowed maximums.

Jobs Impact

After analysis and review of this rule making, there will be a positive impact on jobs in Iowa as the rule making lowers the fees and requirements for the purposes of reinstating a lapsed license, registration or qualification.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 650—7.4(17A,147,153).

The amendments to Chapter 15 are not subject to request for waiver.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 15, 2022. Comments should be directed to:

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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **650—1.1(153)**, definitions of “Board” and “Dental hygiene committee,” as follows:

“*Board*” means the dental board of ~~dental examiners~~.

“*Dental hygiene committee*,” as defined in Iowa Code section 153.33A, means the dental hygiene committee of the dental board of ~~dental examiners~~.

ITEM 2. Rescind the definition of “Inactive status” in rule **650—1.1(153)**.

ITEM 3. Amend rule 650—1.5(17A,153) as follows:

650—1.5(17A,153) Information. Members of the public may obtain information from or submit requests relating to the practice of dentistry, dental hygiene, or dental assisting, continuing education, or any other matter to the Executive Director, Iowa ~~Board of Dental Examiners~~ Board, 400 ~~SW~~ S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

ITEM 4. Amend rule 650—14.1(147,153,272C), introductory paragraph, as follows:

650—14.1(147,153,272C) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed prior to the expiration date of the license. Dental hygiene licenses expire on August 31 of every odd-numbered year. Dental licenses expire August 31 of every even-numbered year. ~~A licensee who is not engaged in practice in the state of Iowa may place the license on inactive status by submitting a renewal form and paying the required renewal fee. No continuing education hours are required to renew a license on inactive status until application for reactivation is made. A request to place a license on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant’s profession in Iowa without first complying with all rules governing reactivation of inactive licenses.~~

ITEM 5. Amend rule 650—14.2(153), introductory paragraph, as follows:

650—14.2(153) Renewal of registration as a dental assistant. A certificate of registration as a registered dental assistant must be renewed biennially. Registration certificates shall expire on August 31 of every odd-numbered year. ~~A registrant who is not engaged in practice in the state of Iowa~~

~~may place the registration on inactive status by submitting a renewal form and paying the required renewal fee. No continuing education hours are required to renew a registration on inactive status until application for reactivation is made. A request to place a registration on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive registrations.~~

ITEM 6. Amend subrule 14.6(1) as follows:

14.6(1) A licensee or a registrant who allows a license or registration to lapse by failing to renew may have the license or registration reinstated at the discretion of the board by submitting the following:

a. A completed application for reinstatement of a lapsed license or registration to practice dentistry, dental hygiene or dental assisting, on forms provided by the board, ~~in addition to the required fee or application for reinstatement of a lapsed registration on the form provided by the board.~~

b. and *c.* No change.

~~*d.* Reasons for seeking reinstatement and why the license or registration was not maintained.~~

~~*e.*~~ *d.* Payment of all ~~a~~ renewal fees ~~past due fee~~, as specified in 650—Chapter 15, plus the reinstatement ~~application~~ fee as specified in 650—Chapter 15.

~~*f.*~~ *e.* Evidence of completion of ~~a total of 15~~ the hours of continuing education for each lapsed year or part thereof required for renewal of a license or registration in accordance with 650—Chapter 25 ~~taken within the previous two-year period, up to a maximum of 75 hours. Dental assistants shall be required to submit evidence of completion of a total of 10 hours of continuing education for each lapsed year or part thereof in accordance with 650—Chapter 25, up to a maximum of 30 hours, or evidence of the full-time or part-time practice of the profession in another state of the United States or the District of Columbia, for a minimum of two years within the previous five-year period, and a statement verifying that continuing education requirements in that state of practice have been met.~~

~~*g.*~~ *f.* If licensed or registered in another state, the licensee or registrant shall provide certification by the state board of dentistry or equivalent authority of such state that the licensee or registrant has not been the subject of final or pending disciplinary action.

~~*h.*~~ *g.* A statement disclosing and explaining any disciplinary actions, investigations, claims, complaints, judgments, settlements, or criminal charges.

~~*i.*~~ *h.* Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.

~~*j.*~~ *i.* For reinstatement of a lapsed license, a completed fingerprint packet to facilitate a criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), including the fee for the evaluation of the fingerprint packet and the criminal history background checks by the DCI and FBI, as specified in 650—Chapter 15.

ITEM 7. Amend subrules 14.7(4) and 14.7(5) as follows:

14.7(4) If the radiography qualification has been lapsed for less than ~~four~~ five years, proof of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period.

14.7(5) If the radiography qualification has been lapsed for more than ~~four~~ five years, the dental assistant shall be required to retake and successfully complete an examination in dental radiography. A dental assistant who presents proof of a current radiography qualification issued by another state and who has engaged in dental radiography in that state is exempt from the examination requirement.

ITEM 8. Rescind and reserve rule ~~650—14.8(153)~~.

ITEM 9. Amend subrules 15.4(7) and 15.4(8) as follows:

15.4(7) ~~Reactivation of an inactive license or~~ Reinstatement of a lapsed dental assistant registration. The fee for a ~~reactivation~~ reinstatement application for ~~inactive practitioners~~ a lapsed dental assistant registration is \$50.

15.4(8) ~~Reinstatement of an inactive a lapsed dental hygiene license or registration.~~ The fee for a reinstatement application for a lapsed dental hygiene license ~~or registration~~ is \$150 \$100.

ITEM 10. Renumber subrules **15.4(9)** to **15.4(17)** as **15.4(10)** to **15.4(18)**.

ITEM 11. Adopt the following **new** subrule 15.4(9):

15.4(9) Reinstatement of a lapsed dental license. The fee for a reinstatement application for a lapsed dental license is \$150.

ITEM 12. Amend subrules 15.5(1) and 15.5(2) as follows:

15.5(1) Dental license renewal. The fee for renewal of a license to practice dentistry for a biennial period is \$315 ~~for an active practitioner and \$315 for an inactive practitioner.~~

15.5(2) Dental hygiene license renewal. The fee for renewal of a license to practice dental hygiene for a biennial period is \$150 ~~for an active practitioner and \$150 for an inactive practitioner.~~

ITEM 13. Amend rule 650—15.7(147,153) as follows:

650—15.7(147,153) Reinstatement fees. If a license, registration or permit lapses ~~or is inactive~~, a licensee, registrant or permit holder may submit an application for reinstatement. Licensees, registrants or permit holders are subject to reinstatement fees as described in this rule.

15.7(1) Reinstatement of a dental license. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(9), the applicant must pay ~~all back a renewal fees (not to exceed \$750) fee as specified in subrule 15.5(1)~~ and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(2) Reinstatement of a dental hygiene license. In addition to the reinstatement application fee specified in subrule 15.4(8), the applicant must pay ~~all back a renewal fees (not to exceed \$750) fee as specified in subrule 15.5(2)~~ and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(3) Reinstatement of a dental assistant registration. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(7), the applicant must pay ~~all back a renewal fees (not to exceed \$115) fee as specified in subrule 15.5(6)~~ to reinstate a registration as a registered dental assistant.

15.7(4) Combined reinstatement application—dental assistant registration and qualification in radiography. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(7), the applicant must pay ~~all back a renewal fees (not to exceed \$175) fee as specified in subrule 15.5(7)~~ for a combined application to reinstate both a registration as a registered dental assistant and a radiography qualification.

15.7(5) Reinstatement of qualification in radiography. In addition to the reinstatement application fee of \$40, the applicant must pay ~~all back a renewal fees (not to exceed \$60) fee as specified in subrule 15.5(8)~~ to reinstate a qualification in dental radiography without registration as a dental assistant.

ITEM 14. Amend rule 650—15.14(147,153,272C) as follows:

650—15.14(147,153,272C) Copies of the laws and rules. Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available from the board office for the following fees.

1. Iowa Code and Iowa Administrative Code access, no fee, available at ~~www.state.ia.us/dentalboard~~ dentalboard.iowa.gov.

2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, \$10.

3. Printed copies of dental board rules in the Iowa Administrative Code, \$15.

ITEM 15. Rescind rule **650—25.11(153)**.

ITEM 16. Renumber rules **650—25.12(153)** to **650—25.15(153)** as **650—25.11(153)** to **650—25.14(153)**.

ITEM 17. Amend renumbered rule 650—25.12(153) as follows:

650—25.12(153) Review of programs or sponsors. The board on its own motion or at the recommendation of the advisory committee on continuing education may monitor or review any continuing education program or sponsors already approved by the board. Upon evidence of a failure to

meet the requirements of rule ~~650—25.12(153)~~ 650—25.11(153), the board may revoke the approval status of the sponsor. Upon evidence of significant variation in the program presented from the program approved, the board may deny all or any part of the approved hours granted to the program. A provider that wishes to appeal the board's decision regarding revocation of approval status or denial of continuing education credit shall file an appeal within 30 days of the board's decision. A timely appeal shall initiate a contested case proceeding. The contested case shall be conducted pursuant to Iowa Code chapter 17A and 650—Chapter 51. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action.

ITEM 18. Amend renumbered rule 650—25.14(153) as follows:

650—25.14(153) Dental hygiene continuing education. The dental hygiene committee, in its discretion, shall make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The dental hygiene committee may utilize the continuing education advisory committee as needed. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 1. The following items pertaining to dental hygiene shall be forwarded to the dental hygiene committee for review.

1. Dental hygiene continuing education requirements and requests for approval of programs, activities and sponsors.
2. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.
- ~~3. Requests for exemptions from inactive dental hygiene practitioners.~~
4. 3. Requests for reinstatement from ~~inactive~~ lapsed dental hygiene practitioners.
- ~~5. 4.~~ Appeals of denial of dental hygiene continuing education and conduct of hearings as necessary.